

ASSEMBLY BILL

No. 248

Introduced by Assembly Member Torlakson

February 1, 1999

An act to add Article 1.7 (commencing with Section 1103) to Chapter 2 of Title 4 of Part 4 of Division 2 of, and to repeal Section 1102.6c of, the Civil Code, to amend Sections 8589.3, 8589.4, and 51183.5 of the Government Code, and to amend Sections 2621.9, 2694, and 4136 of the Public Resources Code, relating to real property disclosures.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, as introduced, Torlakson. Natural Hazard Disclosure Statements.

Existing law requires certain information to be disclosed by transferors and their agents to prospective transferees prior to specified transfers of residential real property. Existing law also requires these transferors and their agents, when specified conditions are met, to make certain disclosures, on a form known as a Natural Hazard Disclosure Statement, if the real property to be transferred is located in an earthquake fault zone, or an area subject to flooding, fire hazards, or seismic hazards.

This bill would reorganize these provisions and make technical changes with respect to Natural Hazard Disclosure Statements.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1102.6c of the Civil Code is repealed.

~~1102.6c. (a) This section shall apply only to any real property that is subject to one or more of the following:~~

~~(1) Section 8589.3 of the Government Code.~~

~~(2) Section 8589.4 of the Government Code.~~

~~(3) Section 51183.5 of the Government Code.~~

~~(4) Section 2621.9 of the Public Resources Code.~~

~~(5) Section 2694 of the Public Resources Code.~~

~~(6) Section 4136 of the Public Resources Code.~~

~~(b) In addition to the disclosure required pursuant to Section 1102.6, the transferor of any real property that is subject to this section, or his or her agent, shall deliver to the prospective transferee the following natural hazard disclosure statement:~~

NATURAL HAZARD DISCLOSURE STATEMENT

This statement applies to the following property: _____

~~The seller and his or her agent(s) disclose the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.~~

~~The following are representations made by the seller and his or her agent(s) based on their knowledge and maps drawn by the state. This information is a disclosure and is not intended to be part of any contract between the buyer and the seller.~~

~~THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):~~

~~A SPECIAL FLOOD HAZARD AREA (Any type Zone “A” or “V”) designated by the Federal Emergency Management Agency.~~

~~Yes _____ No _____ Do not know and
_____ information not
_____ available from local
_____ jurisdiction _____~~

~~AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code.~~

~~Yes _____ No _____ Do not know and
_____ information not
_____ available from local
_____ jurisdiction _____~~

~~A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or 51179 of the Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code.~~

~~Yes _____ No _____~~

~~A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS pursuant to Section 4125 of the Public Resources Code. The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state’s responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.~~

~~AN EARTHQUAKE FAULT ZONE pursuant to Section 2622 of the Public Resources Code.~~

~~Yes _____ No _____~~

~~A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code.~~

~~Yes (Landslide Zone) _____ Yes (Liquefaction Zone) _____
No _____ Map not yet released by _____
_____ state _____~~

~~THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER.~~

~~THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.~~

~~Seller represents that the information herein is true and correct to the best of the seller's knowledge as of the date signed by the seller.~~

~~Signature of Seller _____ Date _____~~

~~Agent represents that the information herein is true and correct to the best of the agent's knowledge as of the date signed by the agent.~~

~~Signature of Agent _____ Date _____~~

~~Signature of Agent _____ Date _____~~

Buyer represents that he or she has read and understands this document.

Signature of Buyer _____ Date _____

(e) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the seller or seller's agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The seller or seller's agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1102.4 that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the seller or the seller's agents to exercise reasonable care in making a determination under this subdivision.

(d) The disclosure required pursuant to this section may be provided by the seller and seller's agent in the Local Option Real Estate Disclosure Statement provided that the Local Option Real Estate Disclosure Statement includes substantially the same information and substantially the same warning that is required by this section.

(e) The disclosure required pursuant to this section is only a disclosure between the seller, the seller's agents, and the buyer, and shall not be used by any other party, including, but not limited to, insurance companies, lenders, or governmental agencies, for any purpose.

(f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

(g) In any transaction in which a seller has accepted, prior to June 1, 1998, an offer to purchase, the seller, or his or her agent, shall be deemed to have complied with the

~~1 requirement of subdivision (b) if the seller or agent
2 delivers to the prospective transferee a statement that
3 includes substantially the same information and warning
4 as the Natural Hazard Disclosure Statement.~~

5 SEC. 2. Article 1.7 (commencing with Section 1103)
6 is added to Chapter 2 of Title 4 of Part 4 of Division 2 of
7 the Civil Code, to read:

8
9 Article 1.7. Disclosure of Natural Hazards Upon
10 Transfer of Residential Property
11

12 1103. (a) Except as provided in Section 1103.2, this
13 article applies to any transfer by sale, exchange,
14 installment land sale contract, as defined in Section 2985,
15 lease with an option to purchase, any other option to
16 purchase, or ground lease coupled with improvements, of
17 any real property described in subdivision (a) of Section
18 1103.6, or residential stock cooperative, improved with or
19 consisting of not less than one nor more than four
20 dwelling units.

21 (b) Except as provided in Section 1103.2, this article
22 shall apply to a resale transaction entered into on or after
23 January 1, 2000, for a manufactured home, as defined in
24 Section 18007 of the Health and Safety Code, that is
25 classified as personal property intended for use as a
26 residence, or a mobilehome, as defined in Section 18008
27 of the Health and Safety Code, that is classified as personal
28 property intended for use as a residence, if the real
29 property on which the manufactured home or
30 mobilehome is located is real property described in
31 subdivision (a) of Section 1103.6.

32 (c) Any waiver of the requirements of this article is
33 void as against public policy.

34 1103.2. This article does not apply to the following
35 transfers:

36 (a) Transfers that are required to be preceded by the
37 furnishing to a prospective transferee of a copy of a public
38 report pursuant to Section 11018.1 of the Business and
39 Professions Code and transfers that can be made without

1 a public report pursuant to Section 11010.4 of the Business
2 and Professions Code.

3 (b) Transfers pursuant to court order, including, but
4 not limited to, transfers ordered by a probate court in
5 administration of an estate, transfers pursuant to a writ of
6 execution, transfers by any foreclosure sale, transfers by
7 a trustee in bankruptcy, transfers by eminent domain,
8 and transfers resulting from a decree for specific
9 performance.

10 (c) Transfers to a mortgagee by a mortgagor or
11 successor in interest who is in default, transfers to a
12 beneficiary of a deed of trust by a trustor or successor in
13 interest who is in default, transfers by any foreclosure sale
14 after default, transfers by any foreclosure sale after
15 default in an obligation secured by a mortgage, transfers
16 by a sale under a power of sale or any foreclosure sale
17 under a decree of foreclosure after default in an
18 obligation secured by a deed of trust or secured by any
19 other instrument containing a power of sale, or transfers
20 by a mortgagee or a beneficiary under a deed of trust who
21 has acquired the real property at a sale conducted
22 pursuant to a power of sale under a mortgage or deed of
23 trust or a sale pursuant to a decree of foreclosure or has
24 acquired the real property by a deed in lieu of foreclosure.

25 (d) Transfers by a fiduciary in the course of the
26 administration of a decedent's estate, guardianship,
27 conservatorship, or trust.

28 (e) Transfers from one coowner to one or more other
29 coowners.

30 (f) Transfers made to a spouse, or to a person or
31 persons in the lineal line of consanguinity of one or more
32 of the transferors.

33 (g) Transfers between spouses resulting from a
34 judgment of dissolution of marriage or of legal separation
35 or from a property settlement agreement incidental to
36 that judgment.

37 (h) Transfers by the Controller in the course of
38 administering Chapter 7 (commencing with Section
39 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

1 (i) Transfers under Chapter 7 (commencing with
2 Section 3691) or Chapter 8 (commencing with Section
3 3771) of Part 6 of Division 1 of the Revenue and Taxation
4 Code.

5 (j) Transfers or exchanges to or from any
6 governmental entity.

7 1103.3. (a) The transferor of any real property
8 subject to this article shall deliver to the prospective
9 transferee the written statement required by this article,
10 as follows:

11 (1) In the case of a sale, as soon as practicable before
12 transfer of title.

13 (2) In the case of transfer by a real property sales
14 contract, as defined in Section 2985, or by a lease together
15 with an option to purchase, or a ground lease coupled
16 with improvements, as soon as practicable before
17 execution of the contract. For the purpose of this
18 subdivision, 'execution' means the making or acceptance
19 of an offer.

20 (b) The transferor shall indicate compliance with this
21 article either on the receipt for deposit, the real property
22 sales contract, the lease, any addendum attached thereto,
23 or on a separate document.

24 (c) If any disclosure, or any material amendment of
25 any disclosure, required to be made pursuant to this
26 article, is delivered after the execution of an offer to
27 purchase, the transferee shall have three days after
28 delivery in person or five days after delivery by deposit
29 in the mail, to terminate his or her offer by delivery of a
30 written notice of termination to the transferor or the
31 transferor's agent.

32 1103.4. (a) Neither the transferor nor any listing or
33 selling agent shall be liable for any error, inaccuracy, or
34 omission of any information delivered pursuant to this
35 article if the error, inaccuracy, or omission was not within
36 the personal knowledge of the transferor or the listing or
37 selling agent, and was based on information timely
38 provided by public agencies or by other persons
39 providing information as specified in subdivision (c) that
40 is required to be disclosed pursuant to this article, and

1 ordinary care was exercised in obtaining and transmitting
2 the information.

3 (b) The delivery of any information required to be
4 disclosed by this article to a prospective transferee by a
5 public agency or other person providing information
6 required to be disclosed pursuant to this article shall be
7 deemed to comply with the requirements of this article
8 and shall relieve the transferor or any listing or selling
9 agent of any further duty under this article with respect
10 to that item of information.

11 (c) The delivery of a report or opinion prepared by a
12 licensed engineer, land surveyor, geologist, structural
13 pest control operator, contractor, or other expert, dealing
14 with matters within the scope of the professional's license
15 or expertise, shall be sufficient compliance for application
16 of the exemption provided by subdivision (a) if the
17 information is provided to the prospective transferee
18 pursuant to a request therefor, whether written or oral.
19 In responding to that request, an expert may indicate, in
20 writing, an understanding that the information provided
21 will be used in fulfilling the requirements of Section
22 1103.6 and, if so, shall indicate the required disclosures, or
23 parts thereof, to which the information being furnished
24 is applicable. Where that statement is furnished, the
25 expert shall not be responsible for any items of
26 information, or parts thereof, other than those expressly
27 set forth in the statement.

28 1103.5. If information disclosed in accordance with
29 this article is subsequently rendered inaccurate as a result
30 of any act, occurrence, or agreement subsequent to the
31 delivery of the required disclosures, the inaccuracy
32 resulting therefrom does not constitute a violation of this
33 article. If at the time the disclosures are required to be
34 made, an item of information required to be disclosed is
35 unknown or not available to the transferor, and the
36 transferor or his or her agent has made a reasonable effort
37 to ascertain it, the transferor may use an approximation
38 of the information, provided the approximation is clearly
39 identified as such, is reasonable, is based on the best
40 information available to the transferor or his or her agent,

1 and is not used for the purpose of circumventing or
2 evading this article.

3 1103.6. (a) This article shall apply only to real
4 property that is subject to one or more of the following:

5 (1) Section 8589.3 of the Government Code.

6 (2) Section 8589.4 of the Government Code.

7 (3) Section 51183.5 of the Government Code.

8 (4) Section 2621.9 of the Public Resources Code.

9 (5) Section 2694 of the Public Resources Code.

10 (6) Section 4136 of the Public Resources Code.

11 (b) The disclosures required by this article, pertaining
12 to any proposed transfer of real property that is subject
13 to this article, are set forth in, and shall be made on a copy
14 of, the following natural hazard disclosure statement:

15
16 NATURAL HAZARD DISCLOSURE STATEMENT
17

18 This statement applies to the following property: _____
19

20 The seller and his or her agent(s) disclose the following information
21 with the knowledge that even though this is not a warranty, pro-
22 spective buyers may rely on this information in deciding whether
23 and on what terms to purchase the subject property. Seller hereby
24 authorizes any agent(s) representing any principal(s) in this action
25 to provide a copy of this statement to any person or entity in con-
26 nection with any actual or anticipated sale of the property.
27

28 The following are representations made by the seller and his or her
29 agent(s) based on their knowledge and maps drawn by the state.
30 This information is a disclosure and is not intended to be part of any
31 contract between the buyer and the seller.
32

33 THIS REAL PROPERTY LIES WITHIN THE FOLLOWING
34 HAZARDOUS AREA(S):

35
36 A SPECIAL FLOOD HAZARD AREA (Any type Zone "A"
37 or "V") designated by the Federal Emergency Management
38 Agency.
39

Yes ____ No ____ Do not know and
information not
available from local
jurisdiction ____

AN AREA OF POTENTIAL FLOODING shown on a dam
failure inundation map pursuant to Section 8589.5 of the
Government Code.

Yes ____ No ____ Do not know and
information not
available from local
jurisdiction ____

A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant
to Section 51178 or 51179 of the Government Code. The
owner of this property is subject to the maintenance
requirements of Section 51182 of the Government Code.

Yes ____ No ____

A WILDLAND AREA THAT MAY CONTAIN
SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS
pursuant to Section 4125 of the Public Resources Code. The
owner of this property is subject to the maintenance
requirements of Section 4291 of the Public Resources Code.
Additionally, it is not the state's responsibility to provide fire
protection services to any building or structure located
within the wildlands unless the Department of Forestry and
Fire Protection has entered into a cooperative agreement
with a local agency for those purposes pursuant to Section
4142 of the Public Resources Code.

AN EARTHQUAKE FAULT ZONE pursuant to Section
2622 of the Public Resources Code.

Yes ____ No ____

1 A SEISMIC HAZARD ZONE pursuant to Section 2696 of the
2 Public Resources Code.

3
4 Yes (Landslide Zone) _____ Yes (Liquefaction Zone) _____
5 No _____ Map not yet released by
6 state _____
7

8 THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP
9 THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO
10 RECEIVE ASSISTANCE AFTER A DISASTER.

11
12 THE MAPS ON WHICH THESE DISCLOSURES ARE BASED
13 ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE
14 NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A
15 PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER.
16 BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN
17 PROFESSIONAL ADVICE REGARDING THOSE HAZARDS
18 AND OTHER HAZARDS THAT MAY AFFECT THE
19 PROPERTY.

20
21 Seller represents that the information herein is true and correct to
22 the best of the seller's knowledge as of the date signed by the seller.

23
24 Signature of Seller _____ Date _____
25

26 Agent represents that the information herein is true and correct to
27 the best of the agent's knowledge as of the date signed by the agent.

28
29 Signature of Agent _____ Date _____
30

31 Signature of Agent _____ Date _____
32

33 Buyer represents that he or she has read and understands this
34 document.

35
36 Signature of Buyer _____ Date _____
37

38 (c) If an earthquake fault zone, seismic hazard zone,
39 very high fire hazard severity zone, or wildland fire area
40 map or accompanying information is not of sufficient

1 accuracy or scale that a reasonable person can determine
2 if the subject real property is included in a natural hazard
3 area, the seller or seller's agent shall mark "Yes" on the
4 Natural Hazard Disclosure Statement. The seller or
5 seller's agent may mark "No" on the Natural Hazard
6 Disclosure Statement if he or she attaches a report
7 prepared pursuant to subdivision (c) of Section 1103.4
8 that verifies the property is not in the hazard zone.
9 Nothing in this subdivision is intended to limit or abridge
10 any existing duty of the seller or the seller's agents to
11 exercise reasonable care in making a determination
12 under this subdivision.

13 (d) The disclosure required pursuant to this article
14 may be provided by the transferor and the transferor's
15 agent in the Local Option Real Estate Disclosure
16 Statement described in Section 1102.6a, provided that the
17 Local Option Real Estate Disclosure Statement includes
18 substantially the same information and substantially the
19 same warnings that are required by this section.

20 (e) The disclosure required by this article is only a
21 disclosure between the seller, the seller's agents, and the
22 buyer, and shall not be used by any other party, including,
23 but not limited to, insurance companies, lenders, or
24 governmental agencies, for any purpose.

25 (f) In any transaction in which a seller has accepted,
26 prior to June 1, 1998, an offer to purchase, the seller, or his
27 or her agent, shall be deemed to have complied with the
28 requirement of subdivision (b) if the seller or agent
29 delivers to the prospective transferee a statement that
30 includes substantially the same information and warning
31 as the Natural Hazard Disclosure Statement.

32 1103.7. Each disclosure required by this article and
33 each act that may be performed in making the disclosure,
34 shall be made in good faith. For purposes of this article,
35 "good faith" means honesty in fact in the conduct of the
36 transaction.

37 1103.8. The specification of items for disclosure in this
38 article does not limit or abridge any obligation for
39 disclosure created by any other provision of law or that

1 may exist in order to avoid fraud, misrepresentation, or
2 deceit in the transfer transaction.

3 1103.9. Any disclosure made pursuant to this article
4 may be amended in writing by the transferor or his or her
5 agent, but the amendment shall be subject to Section
6 1103.3.

7 1103.10. Delivery of disclosures required by this
8 article shall be by personal delivery to the transferee or
9 by mail to the prospective transferee. For the purposes of
10 this article, delivery to the spouse of a transferee shall be
11 deemed delivery to the transferee, unless provided
12 otherwise by contract.

13 1103.11. Any person or entity, other than a real estate
14 licensee licensed pursuant to Part 1 (commencing with
15 Section 10000) of Division 4 of the Business and
16 Professions Code, acting in the capacity of an escrow
17 agent for the transfer of real property subject to this
18 article shall not be deemed the agent of the transferor or
19 transferee for purposes of the disclosure requirements of
20 this article, unless the person or entity is empowered to
21 so act by an express written agreement to that effect. The
22 extent of that agency shall be governed by the written
23 agreement.

24 1103.12. (a) If more than one licensed real estate
25 broker is acting as an agent in a transaction subject to this
26 article, the broker who has obtained the offer made by the
27 transferee shall, except as otherwise provided in this
28 article, deliver the disclosure required by this article to
29 the transferee, unless the transferor has given other
30 written instructions for delivery.

31 (b) If a licensed real estate broker responsible for
32 delivering the disclosures under this section cannot
33 obtain the disclosure document required and does not
34 have written assurance from the transferee that the
35 disclosure has been received, the broker shall advise the
36 transferee in writing of his or her rights to the disclosure.
37 A licensed real estate broker responsible for delivering
38 disclosures under this section shall maintain a record of
39 the action taken to effect compliance in accordance with
40 Section 10148 of the Business and Professions Code.



1 1103.13. No transfer subject to this article shall be
2 invalidated solely because of the failure of any person to
3 comply with any provision of this article. However, any
4 person who willfully or negligently violates or fails to
5 perform any duty prescribed by any provision of this
6 article shall be liable in the amount of actual damages
7 suffered by a transferee.

8 1103.14. (a) As used in this article, “listing agent”
9 means listing agent as defined in subdivision (f) of
10 Section 1086.

11 (b) As used in this article, “selling agent” means selling
12 agent as defined in subdivision (g) of Section 1086,
13 exclusive of the requirement that the agent be a
14 participant in a multiple listing service as defined in
15 Section 1087.

16 SEC. 3. Section 8589.3 of the Government Code is
17 amended to read:

18 8589.3. (a) A person who is acting as an agent for a
19 seller of real property that is located within a special flood
20 hazard area (any type Zone “A” or “V”) designated by
21 the Federal Emergency Management Agency, or the
22 seller if he or she is acting without an agent, shall disclose
23 to any prospective purchaser the fact that the property
24 is located within a special flood hazard area.

25 (b) In all transactions that are subject to Section ~~1102~~
26 ~~1103~~ of the Civil Code, the disclosure required by
27 subdivision (a) of this section shall be provided by either
28 of the following means:

29 (1) The Local Option Real Estate Disclosure
30 Statement as provided in Section 1102.6a of the Civil
31 Code.

32 (2) The Natural Hazard Disclosure Statement as
33 provided in Section ~~1102.6e~~ 1103.6 of the Civil Code.

34 (c) Disclosure is required pursuant to this section only
35 when one of the following conditions is met:

36 (1) The seller, or the seller’s agent, has actual
37 knowledge that the property is within a special flood
38 hazard area.

39 (2) The local jurisdiction has compiled a list, by parcel,
40 of properties that are within the special flood hazard area

1 and a notice has been posted at the offices of the county
2 recorder, county assessor, and county planning agency
3 that identifies the location of the parcel list.

4 (d) For purposes of the disclosure required by this
5 section, the following persons shall not be deemed agents
6 of the seller:

7 (1) Persons specified in Section ~~1102.11~~ 1103.11 of the
8 Civil Code.

9 (2) Persons acting under a power of sale regulated by
10 Section 2924 of the Civil Code.

11 (e) Section ~~1102.13~~ 1103.13 of the Civil Code shall
12 apply to this section.

13 (f) The specification of items for disclosure in this
14 section does not limit or abridge any obligation for
15 disclosure created by any other provision of law or that
16 may exist in order to avoid fraud, misrepresentation, or
17 deceit in the transfer transaction.

18 (g) A notice shall be posted at the offices of the county
19 recorder, county assessor, and county planning agency
20 that identifies the location of the special flood hazard area
21 map and of any parcel list compiled by the local
22 jurisdiction.

23 SEC. 4. Section 8589.4 of the Government Code is
24 amended to read:

25 8589.4. (a) A person who is acting as an agent for a
26 seller of real property that is located within an area of
27 potential flooding shown on an inundation map
28 designated pursuant to Section 8589.5, or the seller if he
29 or she is acting without an agent, shall disclose to any
30 prospective purchaser the fact that the property is
31 located within an area of potential flooding.

32 (b) In all transactions that are subject to Section ~~1102~~
33 1103 of the Civil Code, the disclosure required by
34 subdivision (a) of this section shall be provided by either
35 of the following means:

36 (1) The Local Option Real Estate Disclosure
37 Statement as provided in Section 1102.6a of the Civil
38 Code.

39 (2) The Natural Hazard Disclosure Statement as
40 provided in Section ~~1102.6e~~ 1103.6 of the Civil Code.

(c) Disclosure is required pursuant to this section only when one of the following conditions is met:

(1) The seller, or the seller's agent, has actual knowledge that the property is within an inundation area.

(2) The local jurisdiction has compiled a list, by parcel, of properties that are within the inundation area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

(d) For purposes of the disclosure required by this section, the following persons shall not be deemed agents of the seller:

(1) Persons specified in Section ~~1102.11~~ 1103.11 of the Civil Code.

(2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.

(e) Section ~~1102.13~~ 1103.13 of the Civil Code shall apply to this section.

(f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

SEC. 5. Section 51183.5 of the Government Code is amended to read:

51183.5. (a) A seller of real property that is located within a very high fire hazard severity zone, designated pursuant to this chapter, shall disclose to any prospective purchaser the fact that the property is located within a very high fire hazard severity zone, and is subject to the requirements of Section 51182.

(b) In all transactions that are subject to Section ~~1102~~ 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:

(1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.

(2) The Natural Hazard Disclosure Statement as provided in Section ~~1102.6e~~ 1103.6 of the Civil Code.

1 (c) Disclosure is required pursuant to this section only
2 when one of the following conditions is met:

3 (1) The seller, or the seller's agent, has actual
4 knowledge that the property is within a very high fire
5 hazard severity zone.

6 (2) A map that includes the property has been
7 provided to the local agency pursuant to Section 51178,
8 and a notice is posted at the offices of the county recorder,
9 county assessor, and county planning agency that
10 identifies the location of the map and any information
11 regarding changes to the map received by the local
12 agency.

13 (d) If the map or accompanying information is not of
14 sufficient accuracy or scale that a reasonable person can
15 determine if the subject real property is included in a
16 very high fire hazard zone, the seller shall mark "Yes" on
17 the Natural Hazard Disclosure Statement. The seller may
18 mark "No" on the Natural Hazard Disclosure Statement
19 if he or she attaches a report prepared pursuant to
20 subdivision (c) of Section ~~1102.4~~ 1103.4 of the Civil Code
21 that verifies the property is not in the hazard zone.
22 Nothing in this subdivision is intended to limit or abridge
23 any existing duty of the seller or the seller's agents to
24 exercise reasonable care in making a determination
25 under this subdivision.

26 (e) Section ~~1102.13~~ 1103.13 of the Civil Code shall
27 apply to this section.

28 (f) The specification of items for disclosure in this
29 section does not limit or abridge any obligation for
30 disclosure created by any other provision of law or that
31 may exist in order to avoid fraud, misrepresentation, or
32 deceit in the transfer transaction.

33 SEC. 6. Section 2621.9 of the Public Resources Code
34 is amended to read:

35 2621.9. (a) A person who is acting as an agent for a
36 seller of real property that is located within a delineated
37 earthquake fault zone, or the seller, if he or she is acting
38 without an agent, shall disclose to any prospective
39 purchaser the fact that the property is located within a
40 delineated earthquake fault zone.

(b) In all transactions that are subject to Section ~~1102~~
1103 of the Civil Code, the disclosure required by
subdivision (a) of this section shall be provided by either
of the following means:

(1) The Local Option Real Estate Transfer Disclosure
Statement as provided in Section 1102.6a of the Civil
Code.

(2) The Natural Hazard Disclosure Statement as
provided in Section ~~1102.6~~ 1103.6 of the Civil Code.

(c) Disclosure is required pursuant to this section only
when one of the following conditions is met:

(1) The seller, or the seller's agent, has actual
knowledge that the property is within a delineated
earthquake fault zone.

(2) A map that includes the property has been
provided to the city or county pursuant to Section 2622,
and a notice has been posted at the offices of the county
recorder, county assessor, and county planning agency
that identifies the location of the map and any
information regarding changes to the map received by
the county.

(d) If the map or accompanying information is not of
sufficient accuracy or scale that a reasonable person can
determine if the subject real property is included in a
delineated earthquake fault hazard zone, the agent shall
mark "Yes" on the Natural Hazard Disclosure Statement.
The agent may mark "No" on the Natural Hazard
Disclosure Statement if he or she attaches a report
prepared pursuant to subdivision (c) of Section ~~1102.4~~
1103.4 of the Civil Code that verifies the property is not
in the hazard zone. Nothing in this subdivision is intended
to limit or abridge any existing duty of the seller or the
seller's agents to exercise reasonable care in making a
determination under this subdivision.

(e) For purposes of the disclosures required by this
section, the following persons shall not be deemed agents
of the seller:

(1) Persons specified in Section ~~1102.11~~ 1103.11 of the
Civil Code.

(2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.

(f) For purposes of this section, ~~Section 1102.13~~ *1103.13* of the Civil Code shall apply.

(g) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

SEC. 7. Section 2694 of the Public Resources Code is amended to read:

2694. (a) A person who is acting as an agent for a seller of real property that is located within a seismic hazard zone, as designated under this chapter, or the seller, if he or she is acting without an agent, shall disclose to any prospective purchaser the fact that the property is located within a seismic hazard zone.

(b) In all transactions that are subject to ~~Section 1102~~ *1103* of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:

(1) The Local Option Real Estate Transfer Disclosure Statement as provided in Section 1102.6a of the Civil Code.

(2) The Natural Hazard Disclosure Statement as provided in ~~Section 1102.6e~~ *1103.6* of the Civil Code.

(c) Disclosure is required pursuant to this section only when one of the following conditions is met:

(1) The seller, or seller's agent, has actual knowledge that the property is within a seismic hazard zone.

(2) A map that includes the property has been provided to the city or county pursuant to Section 2622, and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.

(d) If the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a

1 seismic hazard zone, the agent shall mark “Yes” on the
2 Natural Hazard Disclosure Statement. The agent may
3 mark “No” on the Natural Hazard Disclosure Statement
4 if he or she attaches a report prepared pursuant to
5 subdivision (c) of Section ~~1102.4~~ 1103.4 of the Civil Code
6 that verifies the property is not in the hazard zone.
7 Nothing in this subdivision is intended to limit or abridge
8 any existing duty of the seller or the seller’s agents to
9 exercise reasonable care in making a determination
10 under this subdivision.

11 (e) For purposes of the disclosures required by this
12 section, the following persons shall not be deemed agents
13 of the seller:

14 (1) Persons specified in Section ~~1102.11~~ 1103.11 of the
15 Civil Code.

16 (2) Persons acting under a power of sale regulated by
17 Section 2924 of the Civil Code.

18 (f) For purposes of this section, Section ~~1102.13~~ 1103.13
19 of the Civil Code applies.

20 (g) The specification of items for disclosure in this
21 section does not limit or abridge any obligation for
22 disclosure created by any other provision of law or that
23 may exist in order to avoid fraud, misrepresentation, or
24 deceit in the transfer transaction.

25 SEC. 8. Section 4136 of the Public Resources Code is
26 amended to read:

27 4136. (a) A seller of real property that is located
28 within a state responsibility area determined by the
29 board, pursuant to Section 4125, shall disclose to any
30 prospective purchaser the fact that the property is
31 located within a wildland area that may contain
32 substantial forest fire risks and hazards and is subject to
33 the requirements of Section 4291.

34 (b) Except for property located within a county that
35 has assumed responsibility for prevention and
36 suppression of all fires pursuant to Section 4129, the seller
37 shall also disclose to any prospective buyer that it is not
38 the state’s responsibility to provide fire protection
39 services to any building or structure located within the
40 wildlands unless the department has entered into a

1 cooperative agreement with a local agency for those
2 purposes pursuant to Section 4142.

3 (c) In all transactions that are subject to Section ~~1102~~
4 ~~1103~~ of the Civil Code, the disclosures required by this
5 section shall be provided by either of the following means:

6 (1) The Local Option Real Estate Disclosure
7 Statement as provided in Section 1102.6a of the Civil
8 Code.

9 (2) The Natural Hazard Disclosure Statement as
10 provided in Section ~~1102.6e~~ 1103.6 of the Civil Code.

11 (d) Disclosure is required pursuant to this section only
12 when one of the following conditions is met:

13 (1) The seller, or the seller's agent, has actual
14 knowledge that the property is within a wildland fire
15 zone.

16 (2) A map that includes the property has been
17 provided to the city or county pursuant to Section 4125,
18 and a notice has been posted at the offices of the county
19 recorder, county assessor, and county planning agency
20 that identifies the location of the map and any
21 information regarding changes to the map received by
22 the county.

23 (e) If the map or accompanying information is not of
24 sufficient accuracy or scale that a reasonable person can
25 determine if the subject real property is included in a
26 wildland fire zone, the agent shall mark "Yes" on the
27 Natural Hazard Disclosure Statement. The agent may
28 mark "No" on the Natural Hazard Disclosure Statement
29 if he or she attaches a report prepared pursuant to
30 subdivision (c) of Section ~~1102.4~~ 1103.4 of the Civil Code
31 that verifies the property is not in the hazard zone.
32 Nothing in this subdivision is intended to limit or abridge
33 any existing duty of the seller or the seller's agents to
34 exercise reasonable care in making a determination
35 under this subdivision.

36 (f) For purposes of this section, Section ~~1102.13~~ 1103.13
37 of the Civil Code applies.

38 (g) The specification of items for disclosure in this
39 section does not limit or abridge any obligation for
40 disclosure created by any other provision of law or that

1 may exist in order to avoid fraud, misrepresentation, or
2 deceit in the transfer transaction.

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